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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
CHIEF, NATIONAL GUARD BUREAU

SUBJECT: Department of Defense International Counternarcotics Policy

International narcotics trafficking, and its linkage with international terrorism, is a threat to the national security interests of the United States. Global and regional terrorists who threaten United States interests finance their activities with the proceeds from narcotics trafficking.

Department counternarcotics-funded resources and operations can detect, monitor and support the interdiction, disruption or curtailment of emerging narcotics-related threats to our national security. Counternarcotics authorities and funding are an effective combination that supports Global War on Terror efforts and the implementation of the Department's Security Cooperation Guidance.

Pursuant, therefore, to the Department's counternarcotics policy dated July 31, 2002 and Secretary of Defense memorandum dated November 18, 2008, this memorandum provides policy guidance for the Department's international counternarcotics operations and the Department's counternarcotics support to U.S. and foreign law enforcement agencies and security forces. This policy supersedes the Deputy Secretary of Defense policy memorandum "Department of Defense International Counternarcotics Policy," dated October 3, 2003.



Andrew England

OSD 78040-08



Attachments:

- 1. General International Counternarcotics Policy Implementation Guidelines**
- 2. Criteria for Approval of Requests for International Support**
- 3. Department International Counternarcotics Support**
- 4. Approval Procedures for Department International Counternarcotics Support**

Attachment 1

General International Counternarcotics Policy Implementation Guidelines

- Department personnel will not directly participate in searches, seizures, arrests, or similar activity unless such personnel are otherwise authorized by law. This does not preclude the provision of force protection up to and including on the objective.
- Except in Presidentially declared combat zones, Department personnel will not accompany U.S. drug law enforcement agents or host nation law enforcement and security forces on actual counternarcotics field operations. Department personnel shall make every effort to minimize the possibility of confrontation with civilians. Within Presidentially declared combat zones, Department personnel may accompany U.S. drug law enforcement agents or host nation law enforcement and security forces on actual counternarcotics field operations.
- Except in Presidentially declared combat zones, Department personnel will provide counternarcotics support from a secure base or area. If included as part of an approved deployment order, Department personnel may proceed to a forward operating base or area in accordance with the deployment order when directed by the responsible Commander or other official designated by the Commander. Within Presidentially declared combat zones, Department personnel may provide support from a location and in a manner that the Commander deems suitable based upon appropriate military planning considerations.
- The Department will support international counternarcotics programs that contribute to:
 - The Global War on Terror;
 - Security Cooperation Guidance;
 - Military Readiness; and
 - National Security.
- Nothing in this policy shall be construed to restrict the authority of a military commander to take action in accordance with the law of war and the rules of engagement for a military operation against any valid military target. The presence of law enforcement personnel on such operations shall not be construed to characterize such operations as subject to any restriction applicable to operations undertaken for the purpose of providing support to law enforcement.

Attachment 2

Criteria for Approval of Requests for International Support

All requests for Department support must satisfy the following criteria prior to approval:

Valid Counterdrug Activities Nexus. This is the prime factor in considering support to U.S. and foreign drug law enforcement agencies and foreign security forces with counterdrug responsibilities. The term "counterdrug activities" includes those measures taken to detect, interdict, disrupt, or curtail any activity that is reasonably related to narcotics trafficking. This includes, but is not limited to, measures taken to detect, interdict, disrupt, or curtail activities related to substances, materiel, weapons or resources used to finance, support, secure, cultivate, process, or transport illegal drugs.

Proper Request

- An appropriate official of a Federal department or agency who has responsibility for counternarcotics activities must request the support (refer to §1004(a) of the National Defense Authorization Act of 1991, as amended).
- Federal law must authorize the Department to provide the requested support (refer to §1004 of the National Defense Authorization Act of 1991).
- The support will assist the requesting agency or the relevant foreign drug law enforcement agency or security force with drug enforcement responsibilities in accomplishing its counternarcotics objectives.
- The support is consistent with the Department's implementation of the National Drug Control Strategy and Global War on Terror priorities.

Readiness. The Department may provide international counternarcotics support as long as that support enhances unit readiness or mission capability.

Attachment 3

Department International Counternarcotics Support

Department CN support should be oriented to the greatest extent feasible toward supporting the Global War on Terror and the Department's Security Cooperation Guidance, consistent with Appendix B.

Deployments

Department CN-funded deployments:

- Must provide training for foreign drug law enforcement agencies and security forces with counterdrug responsibilities, and:
- Must be planned and executed as counter-narcoterrorism (CNT) deployments that support the Global War on Terror:
 - Focus on disrupting the drug trade and related finance flows of groups such as al Qaida, the Colombian FARC, et. al., and/or training friendly foreign military forces with similar responsibilities; or
- Must pursue narcoterrorist-related activities; or
- Must contribute to the operational preparation of the battlespace or advance-force operations.

Infrastructure Support

- Infrastructure support must:
 - Support a specific Department-supported counter-narcoterrorist activity or program; and
 - Enable or support operational preparation of the battlespace or advance-force operations for future U.S. counter-narcoterrorist operations.

Intelligence Support

- Intelligence support must:

- Relate to the collection, analysis and dissemination of counter-narcoterrorist intelligence; and
- May also be to provide imagery/mapping or training in intelligence skills and operations to support counter-narcoterrorism.

Operational Support

- Must be related to:
 - Detection and monitoring operations;
 - Operation of bases of operation or training centers;
 - Training in operations planning; or
 - Transportation.

Attachment 4

Approval Procedures for Department International Counternarcotics Support

Requests for Support

Requests for international counternarcotics support may be sent by law enforcement agencies to the relevant Combatant Commander or the Office of Counternarcotics for processing.

Approval Authority

- Requests for support must be processed in accordance with Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3710.01, as updated.
- The Secretary of Defense or the Deputy Secretary of Defense must approve all other requests for foreign deployments.
- The Under Secretary of Defense for Policy must approve all other requests for international counternarcotics support, exclusive of deployments.
- The Joint Staff shall forward requests for support, with the Chairman's recommendation, to the Office of Counternarcotics.
- The Office of Counternarcotics will coordinate the request with the Office of the General Counsel and the Department of State before submitting the request through the Under Secretary of Defense for Policy for review and submission to the Secretary or Deputy Secretary of Defense for approval.
- DoD personnel shall not travel into a foreign country in connection with international counternarcotics support unless the Secretary or Deputy Secretary of Defense has approved the movement, or has specifically delegated that approval authority to the respective Combatant Commander, a Service, or the Deputy Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

Requests for Deployment Orders

Combatant Commanders will forward requests for deployment orders (RDOs) to the Joint Staff. RDOs must include the following information:

- Statement regarding human rights verification of the individuals or units receiving the training. The certification must be made within 270 days of the starting date of the proposed training.

Requests for Other Counternarcotics Support

Requests for CN support to countries not identified in the Department's Security Cooperation Guidance should include as much of the above elements of information as necessary to allow the Office of the Under Secretary of Defense for Policy to judge whether it can be approved under the criteria in Appendix B.

Requests for CN-funded infrastructure projects should include an operational assessment by the relevant Combatant Commander.